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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 728-233(JP9-2001-0303US1)  
First Inventor Ogasawara, Takeshi  
Title METHOD AND APPARATUS FOR PRECISION..  
Express Mail Label No. EV 333227385 US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 42]  
(preferred arrangement set forth below)
- Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure

4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 18]

5. Oath or Declaration [Total Pages ]

- a. ☐ Newly executed (original or copy)
- b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).

6. ☒ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

7. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper
- c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement [Power of Attorney]  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure [Copies of IDS]  
Statement (IDS)/PTO-1449 Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☒ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35  
or its equivalent.
17. ☐ Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: .....

Prior application information: Examiner: ..... Group Art Unit: .....

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label (Insert Customer No. or Attach bar code label here) or ☒ Correspondence address below

Name Paul J. Farrell  
DILWORTH & BARRESE, LLP  
Address 333 Earle Ovington Blvd.  
City Uniondale State New York Zip Code 11553  
Country U.S.A Telephone (516) 228-8484 Fax (516) 228-8516

Name (Print/Type) Paul J. Farrell Registration No. (Attorney/Agent) 33,494  
Signature [Signature] Date 7/16/03

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this correspondence and the documents referred to as enclosed are being deposited with the United States Postal Service on date below in an envelope as "Express Mail Post Office to Addressee" Mail Label Number EV 333227385 US addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: July 16, 2003

Scott A. Horwitz

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# FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ ) 1,314.00

## Complete if Known

|                      |                            |
|----------------------|----------------------------|
| Application Number   | not yet known              |
| Filing Date          | herewith                   |
| First Named Inventor | Ogasawara, Takeshi         |
| Examiner Name        | not yet known              |
| Art Unit             | not yet known              |
| Attorney Docket No.  | 728-233 (JP9-2001-0303US1) |

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 50-0510  
Deposit Account Name: IBM (Yorktown Heights)

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description        | Fee Paid            |
|----------------------------|----------------------------|------------------------|---------------------|
| 1001 750                   | 2001 375                   | Utility filing fee     | 750.00              |
| 1002 330                   | 2002 165                   | Design filing fee      |                     |
| 1003 520                   | 2003 260                   | Plant filing fee       |                     |
| 1004 750                   | 2004 375                   | Reissue filing fee     |                     |
| 1005 160                   | 2005 80                    | Provisional filing fee |                     |
| <b>SUBTOTAL (1)</b>        |                            |                        | <b>(\$ ) 750.00</b> |

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 28                 | -20** = 8    | 18.00          | 144.00   |
| 8                  | -3** = 5     | 84             | 420.00   |
| Multiple Dependent |              |                |          |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  |
|----------------------------|----------------------------|--|
| 1202 18                    | 2202 9                     | Claims in excess of 20                                     |
| 1201 84                    | 2201 42                    | Independent claims in excess of 3                          |
| 1203 280                   | 2203 140                   | Multiple dependent claim, if not paid                      |
| 1204 84                    | 2204 42                    | ** Reissue independent claims over original patent         |
| 1205 18                    | 2205 9                     | ** Reissue claims in excess of 20 and over original patent |

**SUBTOTAL (2)** (\$ ) 564.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  | Fee Paid |
|----------------------------|----------------------------|--|----------|
| 1051 130                   | 2051 65                    | Surcharge - late filing fee or oath  |          |
| 1052 50                    | 2052 25                    | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053 130                   | 1053 130                   | Non-English specification  |          |
| 1812 2,520                 | 1812 2,520                 | For filing a request for <i>ex parte</i> reexamination                     |          |
| 1804 920*                  | 1804 920*                  | Requesting publication of SIR prior to Examiner action                     |          |
| 1805 1,840*                | 1805 1,840*                | Requesting publication of SIR after Examiner action                        |          |
| 1251 110                   | 2251 55                    | Extension for reply within first month                                     |          |
| 1252 410                   | 2252 205                   | Extension for reply within second month                                    |          |
| 1253 930                   | 2253 465                   | Extension for reply within third month                                     |          |
| 1254 1,450                 | 2254 725                   | Extension for reply within fourth month                                    |          |
| 1255 1,970                 | 2255 985                   | Extension for reply within fifth month                                     |          |
| 1401 320                   | 2401 160                   | Notice of Appeal   |          |
| 1402 320                   | 2402 160                   | Filing a brief in support of an appeal                                     |          |
| 1403 280                   | 2403 140                   | Request for oral hearing   |          |
| 1451 1,510                 | 1451 1,510                 | Petition to institute a public use proceeding                              |          |
| 1452 110                   | 2452 55                    | Petition to revive - unavoidable   |          |
| 1453 1,300                 | 2453 650                   | Petition to revive - unintentional   |          |
| 1501 1,300                 | 2501 650                   | Utility issue fee (or reissue)   |          |
| 1502 470                   | 2502 235                   | Design issue fee   |          |
| 1503 630                   | 2503 315                   | Plant issue fee  |          |
| 1460 130                   | 1460 130                   | Petitions to the Commissioner  |          |
| 1807 50                    | 1807 50                    | Processing fee under 37 CFR 1.17(q)  |          |
| 1806 180                   | 1806 180                   | Submission of Information Disclosure Stmt                                  |          |
| 8021 40                    | 8021 40                    | Recording each patent assignment per property (times number of properties) |          |
| 1809 750                   | 2809 375                   | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810 750                   | 2810 375                   | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801 750                   | 2801 375                   | Request for Continued Examination (RCE)                                    |          |
| 1802 900                   | 1802 900                   | Request for expedited examination of a design application                  |          |


Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$ )

## SUBMITTED BY

(Complete if applicable)

|                   |   |                                   |               |           |                |
|-------------------|---|-----------------------------------|---------------|-----------|----------------|
| Name (Print/Type) | Paul J. Farrell   | Registration No. (Attorney/Agent) | 33,494        | Telephone | (516) 228-8484 |
| Signature         |  | Date                              | July 16, 2003 |           |                |

## CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this correspondence and the documents referred to as enclosed are being deposited with the United States Postal Service on date below in an envelope as "Express Mail Post Office to Addressee" Mail Label Number EV 333227385 US addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: July 16, 2003

Seth A. Horwitz

PATENT

Atty. Docket No. 728-233 (JP9-2001-0303US1)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**UTILITY APPLICATION DATA SHEET UNDER 37 C.F.R. §1.76**

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s): Ogasawara, Takeshi and Suganuma, Toshio

For: METHOD AND APPARATUS FOR PRECISION OPTIMIZATION IN COMPILED PROGRAMS

Enclosed are:

|                                     |           |  |
|-------------------------------------|-----------|--|
| <input checked="" type="checkbox"/> | <u>33</u> | page(s) of specification                     |
| <input checked="" type="checkbox"/> | <u>1</u>  | page(s) of Abstract                          |
| <input checked="" type="checkbox"/> | <u>8</u>  | page(s) of claims                            |
| <input checked="" type="checkbox"/> | <u>18</u> | sheets of drawings [ ] formal [X] informal   |
| [ ]                                 | —         | page(s) of Declaration and Power of Attorney |

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**CERTIFICATION UNDER 37 C.F.R. § 1.10**

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date July 16, 2003 in an envelope as "Express Mail Post Office to Addressee" Mail Label Number EV 333227385 US addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Seth A. Horwitz

- ☐ This application claims the benefit under 35 U.S.C. §119(e) of U.S. Provisional Application(s) No(s).:

APPLICATION NO(S).:

FILING DATE

1

- ☒ Certified copy of application

Country

Appln. No.

Filed

Japan

2002-224207

July 31, 2002

from which priority under Title 35 United States Code, § 119 is claimed

☐ is enclosed.

☒ will follow.

**CALCULATION OF UTILITY APPLICATION FEE**

| For  | Number Filed | Number Extra | Rate                    | Basic Fee<br>\$750.00 |
|--|--------------|--------------|-------------------------|-----------------------|
| TOTAL CLAIMS                                 | 28           | 8            | x 18 =                  | \$144.00              |
| INDEPENDENT CLAIMS                           | 8            | 5            | x 84 =                  | \$420.00              |
| <input type="checkbox"/> Multiple Dep. Claim |              |              | 280                     | \$ .00                |
|  |              |              | <b>TOTAL \$1,314.00</b> |                       |

- ☐ Verified Statement of "Small Entity" Status Under 37 C.F.R. § 1.27. Reduced fees under 37 C.F.R. § 1.9(f) (50% of total) paid herewith \$.

\*Includes all independent and single dependent claims and all claims referred to in multiple claims. See 37 C.F.R. § 1.75(c).

[X] Please charge Deposit Account No. **05-0510/IBM (Yorktown Heights)** in the amount of **\$1,314.00**. Two (2) copies of this sheet are enclosed.

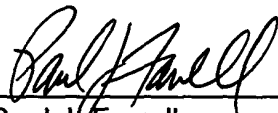
[ ] A check in the amount of \$     is enclosed.

[X] Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §§1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. **05-0510/IBM (Yorktown Heights)**. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. **05-0510/IBM (Yorktown Heights)** therefor. TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

Date: July 16, 2003

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Respectfully submitted,

  
\_\_\_\_\_  
Paul J. Farrell  
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